ATTACHMENT A1

RESOLUTION NO. R3-2002-0115
WAIVER CONDITIONS

December 13, 2002

A. GENERAL WAIVER CONDITIONS

These general conditions apply to all discharges granted waivers in accordance with Resolution R3-2002-0115:

1. The discharge quality must ensure that beneficial uses of the receiving groundwater will not be impaired.

2. Discharge of wastes classified as "hazardous," as defined in California Code of Regulations, Title 23, Section 2521, or "designated," as defined in California Water Code Section 13173, is prohibited.

3. Discharge (including overflow, bypass, seepage, and over spray) to surface waters or surface water drainage courses is prohibited.

4. Discharge, either directly or indirectly, to areas not identified in the report of waste discharge or equivalent document is prohibited except Section C discharges.

5. If the report of waste discharge or equivalent document describes a treatment facility, bypass of the treatment facility and discharge of untreated or partially treated wastes to the disposal area are prohibited except Section C discharges.

6. Discharges not specifically described in the report of waste discharge or equivalent document are prohibited except Section C discharges.

7. Creation of a condition of pollution, contamination, or nuisance, as defined by California Water Code Section 13050 is prohibited.

8. Discharge of radioactive substances, and chemical and biological warfare agents is prohibited. Discharge of wastes containing substances in concentrations toxic to human, plant, animal, or aquatic life is prohibited.

9. Waivers may include discharger-specific expiration dates, after which discharge is prohibited unless an extension is granted or a new waiver is issued.

10. Compliance with a monitoring and reporting program may be required on a case-by-case basis.

11. Regional Board staff shall be allowed entry onto discharge generation and disposal sites to determine compliance with waiver conditions.

Failure to comply with general and discharge-specific waiver conditions terminates enrollment in the waiver, reinstates all California Water Code sections previously waived, and may result in enforcement action. Although a discharge may qualify for waiver enrollment, the Regional Board retains the right to terminate waiver enrollment at any time and regulate the discharge under other programs and/or orders (such as other waivers, general waste discharge requirements, individual waste discharge requirements, enforcement orders, etc.).

B. WAIVERS OF WASTE DISCHARGE REQUIREMENTS

This section includes a list of discharges for which Resolution R3-2002-0115 grants waivers of waste discharge requirements. A discharge may be enrolled in one of these waivers if it fits the specified category and complies with the specified conditions. Consideration for enrollment in one of these waivers requires submittal of a report of waste discharge to the Regional Board, including a one-time fee equal to the minimum annual fee identified in the fee

schedule. (Waiver of California Water Code Section 13263(a).)

1. Directional Drilling Muds

This section applies to drilling muds from horizontal drilling, and specifically excludes muds from monitoring wells at cleanup sites and oil wells. Horizontal drilling muds consist of a clay slurry. Clay and water are added to the borehole to provide lubrication in the drilling process and to aid in the removal of material from the bore. The mud used in directional, onshore drilling projects for cable placement is typically composed of water and fine clay (usually bentonite) and typically does not contain appreciable levels of hazardous materials or soluble pollutants. The threat to water quality of such materials depends primarily on the additives used. Additives are selected based on soil conditions. Typically, bentonite is used in coarse soils (sands and gravels), polymers are used in fine soils (clays and shales), and surfactants are used in sticky clays. Most often, however, two or more additives are used in combination. With bentonite providing a filter cake, and polymer providing inhibition, the mud usually achieves the properties required to drill successfully in most soil formations. If the slurry material to be spread is free of appreciable additives (additive quantities in conformance with industry standards, the used slurry may be spread on pastures or fields, provided that contact with surface water is avoided and runoff is prevented). Conditions for Directional Drilling Mud Disposal:

a. The discharge shall be spread over an undisturbed, vegetated area capable of absorbing the top-hole water and filtering solids in the discharge, and spread in a manner that prevents a direct discharge to surface waters.

b. The pH of the discharge shall be between 6.5 and 8.3.

c. The discharge shall not contain oil or grease.

d. The discharge area shall not be within 100 feet of a stream, body of water or wetland, nor within streamside riparian corridors.

2. Highway Grinding Slurry

Grinding is generally performed to improve the riding quality of new or existing cement concrete or asphalt concrete pavement. Existing pavements are ground as a rehabilitation strategy, and new pavements may be ground to meet smoothness requirements. Typically, concrete grinding activities involve use of water to cool grinding blades and surfaces. That water mixes with ground particles, and may create high-pH slurry. These activities may produce large volumes of slurry. Water conservation may involve allowing slurry solids to settle out, then decanting water for reuse in grinding. Conditions for Highway Grinding Slurry Disposal:

a. The discharger shall implement appropriate management practices to capture and contain grinding slurry.

b. The discharge shall have a pH between 6.5 and 8.3.

c. Each temporary or permanent highway grinding slurry reuse or disposal site shall be approved by the Executive Officer prior to use.

d. Slurry shall be stored or disposed only during the dry season (May through October).

e. The discharge area shall not be within 200 feet from a water supply well, nor within 100 feet of a stream, body of water, or wetland, nor outside streamside riparian corridors.

3. Highway Grooving Residues

Grooving is generally performed on roads to increase friction on new or existing cement concrete or asphalt concrete pavement. Conditions for Highway Grooving Residue Disposal:

a. Each temporary or permanent highway grooving residue reuse or disposal site shall be approved by the Executive Officer prior to use.

b. The discharger shall implement appropriate management practices to confine grooving residues to lined trenches without overflow.

c. Trenches shall not intercept groundwater.

d. Disposal activities shall not occur during the rainy season (November through April).

e. The discharge area shall not be within 200 feet of a water supply well, or within 100 feet of a stream, body of water, or wetland, nor within streamside riparian corridors.

4. Sediment Removal

This category includes sediment removed from streams as part of a minor dredging operation, flood control project, construction project, or stream alteration project. This activity was historically regulated by the Clean Water Act Section 401 Water Quality Certification. The Army Corps of Engineers no longer regulates sediment removal or "incidental fallback" activities. Therefore, a project involving only sediment removal is no longer required to obtain a Clean Water Act Section 404 permit or 401 water quality certification. Projects removing less than 100 cubic yards of sediment are typically considered minor. Sediment removed from streams is usually temporarily stored in the channel (if flow is diverted around the work area), or near the channel to allow the excavated material to drain and dry out before transport to the final disposal site. Leachate (water draining out of the excavated material) may be high in suspended solids and could cause turbidity if allowed back into surface waters. Excavated sediment stockpiled near streams may discharge into surface water, especially during rain events. Some sites may divert stream flow around the work area, which may involve dewatering the work area. Dewatering water is typically muddy and could increase turbidity if discharged to surface water. Conditions for Excavated Material and Leachate/Dewatering Water Disposal:

a. Applicants shall seek review of their project by National Marine Fisheries Service if the project is proposed in streams where listed species reside or if dewatering is proposed in fish-bearing streams. Applicants shall comply with all National Marine Fisheries Service 'take'-avoidance standards and formal consultation requirements as applicable.

b. Discharges shall be adequately confined to prevent discharge to surface water.

c. Excavated material shall not be placed where it can be discharged into surface waters.

d. The project must include appropriate compensatory mitigation for wetland impacts.

e. Temporary and final disposal sites must be described in the report of waste discharge. No spoils shall be located in areas with connectivity to any watercourse.

f. When final disposal of solids to any site other than a landfill is proposed, the discharger must sample sediment for pesticides, pH, polynuclear aromatic compounds, soluble metals, total extractable petroleum hydrocarbons, total metals, and total organic carbon.

Final disposal to other than a landfill requires Executive Officer approval.

g. Sediment removal activities are limited to the dry season (May through October).

5. Treated Groundwater

Cleanup of groundwater contaminated by spills or leaks of hazardous substances often involves drawing groundwater from an aquifer that is used, or could be used, as a source of drinking water. The withdrawn groundwater is then typically treated and discharged. Highly treated groundwater is typically low threat if the treatment system is designed and operated to remove substantially all contaminants with a factor of safety before discharge. For organic compounds, treatment usually includes three in-series carbon vessels, each capable of treating the entire waste stream. Removal of organic compounds to the detection limit is preferred. Conditions for Treated Groundwater Disposal:

a. The treatment system design must be reviewed by Regional Board staff prior to discharge.

b. The discharge area shall not be within 200 feet of a water supply well, or within 100 feet of a stream, body of water, or wetland, unless waived by the Executive Officer.

c. With the report of waste discharge, the discharger shall submit data completely characterizing the nature of the contaminants that might be discharged. Samples shall be analyzed for some or all compounds (as specified by the Executive Officer) for which maximum contaminant levels or public health goals have been established or which are found on either federal or California Unregulated Contaminant Monitoring Requirements lists. Regional Board staff will notify any potentially affected water management agency prior to enrolling the discharge.

d. The discharger shall comply with a monitoring and reporting program, unless waived by the Executive Officer.

6. Monitoring Well Development and Aquifer and Well Pumping Test Water

"Well development" repairs damage to the well formation caused by drilling, and increases the porosity and permeability of the materials surrounding the well's intake zone. Aquifer and well pumping tests are used to determine the hydraulic characteristics (the ability to yield water) of an aquifer or well. These activities can produce high flows. Such flows could cause erosion if appropriate practices are not implemented. "Well development" clears fine-grained-soils from the well and the formation surrounding the well's intake zone. The fine-grained soils could migrate to surface waters and cause siltation. If the aquifer being pumped has poorer water quality than the receiving groundwater, then either activity could potentially degrade receiving water quality. However, since well development and aquifer and well pumping tests are temporary in nature and involve a finite discharge volume, they may be considered low threat. Conditions for Monitoring Well Development and Aquifer and Well Pump Test Water Disposal:

a. For wells in areas of known or suspected contamination or wells associated with groundwater cleanup projects prior to discharge, the applicant shall submit data completely characterizing the nature of the contaminants that might be discharged. At a minimum, samples shall be analyzed for the inorganic chemicals listed in California Code of Regulations Title 22, Table 64431-A, and all compounds for which maximum contaminant levels or public health goals have been established or which are found on either federal or California

Unregulated Contaminant Monitoring Requirements lists.

b. The discharger shall implement appropriate management practices to dissipate energy and prevent erosion.

c. The discharger shall implement appropriate management practices to preclude discharge to surface waters and surface water drainage courses.

d. The discharge area shall not be within 100 feet of a stream, body of water, or wetland.

e. The discharge area shall not be within 200 feet of a water supply well.

C. WAIVERS OF REPORT OF WASTE DISCHARGE AND WASTE DISCHARGE REQUIREMENTS

The following describes the types of discharges for which Resolution No. R3-2002-0115 grants waivers of report of waste discharge and waste discharge requirements. A discharge may be enrolled in one of these waivers only if it complies with the specified conditions. Dischargers in these categories are automatically enrolled if they meet and comply with specified conditions; enrollment in one of these waivers does not require an application to the Regional Board (a Report of Waste Discharge is not required), fee payment, or enrollment notification from the Regional Board. (Waiver of California Water Code Sections 13260(a), 13260(b), 13263(a), and 13264(a).)

1. Fire Sprinkler Water

Fire sprinklers in buildings are periodically pressure-tested and drained to meet fire code requirements. Testing requires a short-duration pressurized discharge. The lines are drained approximately quarterly for maintenance. Typically, the pipe contents of whole buildings are drained, usually from 4-inch, 2-inch, and 1-inch pipes. The discharge may contain an oily sheen, and is often stagnant (odiferous). Sometimes direct connection to a sanitary sewer is possible, and is the preferred method of disposal. However, in some areas, where plumbing code restrictions do not allow such discharges, or where no sanitary sewer system exists, fire sprinkler water may be discharged to land. Conditions for discharge of Fire Sprinkler Water:

a. The discharger shall implement appropriate management practices to dissipate energy and prevent erosion.

b. The discharge area shall not be within 100 feet of a stream, body of water, or wetland.

c. Discharge shall not flow directly to a surface water, storm drain, or storm water conveyance system.

2. Inert Wastes

California Code of Regulations, Title 27, Division 2 Solid Waste, Section 20230(a) defines inert waste as "that subset of solid waste that does not contain hazardous waste or soluble pollutants at concentrations in excess of applicable water quality objectives, and does not contain significant quantities of decomposable waste." For water quality purposes a waste must be substantially chemically and physically inert to be considered an inert waste. However, even the most inert of wastes can cause substantial water quality problems if disposed of improperly (e.g., solid concrete dumped directly into a creek could lead to flow diversions and stream bank erosion). Conditions for Inert Wastes Disposal:

a. The discharger shall implement appropriate management practices to secure the disposal site and prevent unauthorized disposal by the public.

b. Inert waste shall be disposed of in a manner that reasonably maintains its chemical and physical stability.

c. Without project review by Regional Board staff prior to discharge, the discharge area shall not be within 100 feet of a stream, body of water, or wetland, nor within streamside riparian corridors.

3. Residential Swimming Pool Water

Residential swimming pool waste is occasionally drained for pool maintenance. In the Central Coast, private swimming pools are not frequently drained due to high cost of water and low chance that weather conditions would cause pool water to freeze. Possible water quality issues associated with swimming pool discharges include erosion potential, high bromine or chlorine concentrations, and high or low pH. Conditions for swimming pool water disposal:

a. The discharger shall implement appropriate management practices to dissipate energy and prevent erosion.

b. The discharge shall not have chlorine, bromine, or total dissolved solids concentrations that could impact groundwater quality.

c. The discharge shall have a pH between 6.5 and 8.3.

d. The discharge area shall not be within 200 feet of a water supply well, or within 100 feet of a stream, body of water, or wetland.

e. Discharge shall not flow to a surface water, storm drain, or storm water conveyance system.

4. Water Supply Discharges

Water supply discharges covered in this section include water discharges from supply pipelines and tanks, supply well pump testing, and supply well development. These discharges often have high flow rates; large production wells pump in the range of 1,000 gallons per minute. Erosion may result if best management practices are not implemented. Discharges from water supply pipelines and tanks may be chlorinated as a result of disinfection events. Aquifer and well pumping tests are used to determine the hydraulic characteristics (the ability to yield water) of an aquifer or well. These activities can produce high flows. Such flows could cause erosion if appropriate practices are not implemented. "Well development" repairs damage to the well formation caused by drilling, and increases the porosity and permeability of the materials surrounding the well's intake zone. "Well development" clears fine-grained-soils from the well and the formation surrounding the well's intake zone. The fine-grained soils could migrate to surface waters and cause siltation. If the aquifer being pumped has poorer water quality than the receiving groundwater, then either activity could potentially degrade receiving water quality. However, since these discharges are temporary in nature and involve a finite discharge volume, they may be considered low threat. Conditions for Water Supply Discharges:

a. The discharger shall implement appropriate management practices to dissipate energy and prevent erosion.

b. The discharger shall implement appropriate management practices to preclude discharge to surface waters and surface water drainage courses. The discharger shall immediately notify Regional Board staff of any discharge to surface waters or surface water drainage courses.

c. The discharge shall not have chlorine or bromine concentrations that could impact groundwater quality.

d. The discharge area shall not be within 100 feet of a stream, body of water, or wetland.

5. Water Supply Well Drilling Muds

This section applies to drilling muds from water supply well drilling, and specifically excludes muds from monitoring wells at cleanup sites and oil wells. Drilling muds consist of a clay slurry. Clay and water are added to the borehole to provide lubrication in the drilling process and to aid in the removal of material from the bore. The mud used typically does not contain appreciable levels of hazardous materials or soluble pollutants. The threat to water quality of such materials depends primarily on the additives used. Additives are selected based on soil conditions. Typically, bentonite is used in coarse soils (sands and gravels), polymers are used in fine soils (clays and shales), and surfactants are used in sticky clays. Often, two or more additives are used in combination. With bentonite providing a filter cake, and polymer providing inhibition, the mud usually achieves the properties required to drill successfully in most soil formations. If the slurry material to be spread is free of appreciable additives (additive quantities in conformance with industry standards, the used slurry may be spread on pastures or fields, provided that contact with surface water is avoided and runoff is prevented). Conditions for Water Supply Well Drilling Mud Disposal:

a. The discharge shall be spread over an undisturbed, vegetated area capable of absorbing the top-hole water and filtering solids in the discharge, and spread in a manner that prevents a direct discharge to surface waters.

b. The pH of the discharge shall be between 6.5 and 8.3.

c. The discharge shall not contain oil or grease.

d. The discharge area shall not be within 100 feet of a stream, body of water, or wetland, nor within streamside riparian corridors.